IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5795 OF 2005

The State of Maharashtra ...Applicant

Versus

Nitin Abu Kamble & Anr. ...Respondents

Shri S.R.Shinde, A.P.P for the Applicant.

Shri S.V.Kotwal for the Respondents.

CORAM : A. S. OKA, J.

DATE : DECEMBER 11, 2006.

P.C.:

1. Heard the learned A.P.P for the State and the learned Advocate appearing for the Respondents. The acquittal of the Respondents is for offences under section 452, 323, 504, 506 read with section 34 of the Indian Penal Code. After having heard the learned Advocates appearing for the parties and after perusing the impugned Judgment and Order, I find that no case is made out for grant of leave. For the alleged incident of 18th February, 2000, the complaint was filed on 23rd March, 2000. The case of the complainant was that she filed the complaint on the very day of the incident. However, the Investigating Officer deposed that the complainant did not visit the police station on that

day for filing the complaint. The court has not accepted the case made out by the complainant that she filed complaint on the same day at ShindeWadi Police Outpost and it is found that the complaint was filed for the first time on 23rd March, 2000 at Bhor Police Station. Apart from gross delay in filing the complaint, the learned Trial Judge found the evidence of the prosecution witnesses inconsistent.

2. The view taken by the learned Trial Judge is a possible view. No case is made out for grant of leave. Application is rejected.

JUDGE